

Message Text

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ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 L-02 AID-05 CEA-01 CIAE-00

COME-00 EB-07 FRB-03 INR-07 NSAE-00 CIEP-01 SP-02

STR-04 TRSE-00 LAB-04 SIL-01 SAM-01 OMB-01 NSC-05

SS-15 TAR-01 OIC-02 SAJ-01 /086 W

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R 271627Z MAR 75

FM US MISSION GENEVA

TO SECSTATE WASHDC 1720

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E.O. 11652: N/A

TAGS: ECE

SUBJECT: ECE-REVISION OF TIR CONVENTION

REF: GENEVA 1047; GENEVA 6669; STATE 061899

1. AD HOC MEETING FOR REVIEW OF DRAFT REVISED TEXT OF TIR CONVENTION (24-26 MARCH) TOOK NO POSITION ON CONTROVERSIAL PARAGRAPH 3 OF ARTICLE 51 (GENEVA 1047) CONCERNING EEC PARTICIPATION IN THE CONVENTION. ARTICLE 51 HAS BEEN REDRAFTED TO CONTAIN FIVE PARAGRAPHS. PARAGRAPH 4 OF NEW DRAFT IS FORMER PARAGRAPH 3 AND REMAINS IN BRACKETS. OTHER PARAGRAPHS ARE APPROVED. COMPLETE TEXT FOLLOWS:

QUOTE:

ARTICLE 51.

1. ANY STATE MEMBER OF THE ECONOMIC COMMISSION FOR EUROPE OF THE UNITED NATIONS MAY BECOME A CONTRACTING PARTY TO THE PRESENT CONVENTION:

(A) BY SIGNING IT WITHOUT RESERVATION OF RATIFICATION;

(B) BY DEPOSITING AN INSTRUMENT OF RATIFICATION

AFTER SIGNING IT SUBJECT TO RATIFICATION; OR

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(C) BY ACCEDING TO IT.

2. THE PRESENT CONVENTION SHALL BE OPEN UNTIL ..., INCLUSIVE, FOR SIGNATURE AT THE OFFICE OF THE UNITED NATIONS AT GENEVA, BY THE STATES REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE. THEREAFTER IT SHALL BE OPEN FOR THEIR ACCESSION.

3. SUCH STATES AS MAY PARTICIPATE IN CERTAIN ACTIVITIES OF THE ECONOMIC COMMISSION FOR EUROPE IN ACCORDANCE WITH PARAGRAPH 11 OF THE COMMISSIONS TERMS OF REFERENCE MAY BECOME CONTRACTING PARTIES TO THE PRESENT CONVENTION BY ACCEDING THERETO AFTER ITS ENTRY INTO FORCE.

(4. THE PROVISIONS OF PARAGRAPH 1 AND 3 OF THIS ARTICLE SHALL ALSO APPLY TO CUSTOMS OR ECONOMIC UNIONS, THE MEMBER STATES OF WHICH ARE CONTRACTING PARTIES TO THE PRESENT CONVENTION, IN SO FAR AS THE OBLIGATIONS ARISING FROM THE INSTRUMENTS ESTABLISHING SUCH UNIONS REQUIRE THE COMPETENT BODIES THEREOF TO CONTRACT IN THEIR OWN NAME. HOWEVER, SUCH BODIES SHALL NOT HAVE THE RIGHT TO VOTE.)

5. THE INSTRUMENTS OF RATIFICATION OR ACCESSION SHALL BE DEPOSITED WITH THE SECRETARY-GENERAL OF THE UNITED NATIONS.
END QUOTE.

2. REPORT OF MEETING CONTAINS FOLLOWING ACCOUNT OF DEBATE ON ARTICLE 51:

QUOTE: THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS STATED THAT THE CONVENTION SHOULD BE OPEN FOR ACCESSION BY ALL INTERESTED STATES. THE GDR SUPPORTED THIS STATEMENT.

THE AD HOC MEETING AGREED THAT PROVISION SHOULD BE MADE FOR STATES TO BECOME CONTRACTING PARTIES BY SIGNING THE CONVENTION NOT SUBJECT TO RATIFICATION AND THAT ANY CONSEQUENTIAL AMENDMENTS BE INTRODUCED IN SUBSEQUENT ARTICLES.

WITH REGARD TO THE PROVISIONS RELATING TO CUSTOMS OR ECONOMIC UNIONS, THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, REFERRING TO A PAPER SUBMITTED BY THE REPRESENTATIVE OF POLAND, STATED THAT PARTICIPANTS TO INTERGOVERNMENTAL LIMITED OFFICIAL USE

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CONVENTIONS COULD ONLY BE SOVEREIGN STATES AND URGED THE EXCLUSION OF PARAGRAPH 4 OF DRAFT. HE RESERVED HIS POSITION ON THIS QUESTION.

THE REPRESENTATIVE OF CZECHOSLOVAKIA, GERMAN DEMOCRATIC REPUBLIC AND HUNGARY ASSOCIATED THEMSELVES WITH THIS VIEW. AN OFFICIAL OF THE COMMISSION OF EUROPEAN COMMUNITIES STATING THAT HE WAS SPEAKING ON BEHALF OF THE COMMUNITIES AND OF ITS MEMBER STATES SAID THAT, AS REGARDS CERTAIN CUSTOMS

QUESTIONS A CERTAIN TRANSFER OF SOVEREIGNTY FROM MEMBER
STATES TO THE COMMITTEE HAD BEEN EFFECTED BY TREATY
AND CONSEQUENTLY THE ABSENCE OF PARAGRAPH 3 OF ARTICLE
51 WOULD GIVE RISE TO VERY GRAVE DIFFICULTIES IN
RESPECT OF THE SIGNATURE OF THE REVISED TIR CONVENTION.
UNQUOTE.

3. RESOLUTION OF THIS ISSUE MUST THEREFORE AWAIT REVIEW
CONFERENCE SCHEDULED FOR NOVEMBER, 1975.DALE

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Disposition Approved on Date:
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